

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA :
v. : CRIMINAL NO: 20-CR-00064
ARA APRAHAMIAN :
DEFENDANT ARA APRAHAMIAN'S MOTION TO SEAL**

Defendant Ara Aprahamian moves to file under seal portions of his Motion To Suppress Or For A *Franks* Hearing and the accompanying exhibits because they refer to discovery material that is subject to the Protective Order entered on May 29, 2020. (Dkt. 35). To avoid publicly disclosing that discovery material without affording the government an opportunity to be heard, Mr. Aprahamian has filed a redacted version of his motion on the public docket and an unredacted version under seal.

This request to seal is temporary. It is the government's burden to justify the sealing of any material it believes should not be publicly filed, and Mr. Aprahamian respectfully submits that the material at issue should not be kept under seal. Materials filed in connection with a motion to suppress are subject to the public's common-law right of access to judicial records. *See United States v. Wecht*, 484 F.3d 194, 209 (3d Cir. 2007), as amended (July 2, 2007). If the government wishes to keep the material under seal, it must demonstrate good cause to "justify[] the confidentiality of each and every document," *id.* at 211-12, and "show that the interest in secrecy outweighs the presumption [of access]," *United States v. Konrad*, No. CR.A.11-15, 2011 WL 1549494, at *7 (E.D. Pa. Apr. 19, 2011) (quoting *LEAP Sys., Inc. v. MoneyTrax, Inc.*, 638 F.3d 216, 221-22 (3d Cir. 2011)).

For the foregoing reasons, Mr. Aprahamian respectfully requests that the Court temporarily seal the redacted sections of his Motion To Suppress, as well as the accompanying exhibits, in the event the government seeks to justify continued sealing. Ultimately, however, since the material does not meet the standard for sealing, it is Mr. Aprahamian's view that both the redacted portions of the Motion to Suppress, as well as the accompanying exhibits, should be unsealed.

Dated: August 22, 2023
New York, New York

Respectfully submitted,

G. Robert Gage, Jr.
Gage Spencer & Fleming LLP
410 Park Avenue, Suite 900
New York, NY 10022
(212) 768-4900
grgage@gagespencer.com

Caroline Goldner Cinquanto
Two Greenwood Square
3331 Street Road, Suite 450
Bensalem, PA 19020
(215) 910-2732
carrie@cgclegal.com

/s/ Fabien M. Thayamballi
Alexandra A.E. Shapiro
Fabien M. Thayamballi
Shapiro Arato Bach LLP
1140 Avenue of the Americas, 17th Floor
New York, New York 10036
(212) 257-4880
ashapiro@shapiroarato.com
fthayamballi@shapiroarato.com

Attorneys for Defendant Ara Aprahamian